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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,660	12/29/1999	JAMES L. LANSFORD	42390.P7301	2532

7590

08/24/2004

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EXAMINER

BANGACHON, WILLIAM L

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 08/24/2004

29

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/474,660

Applicant(s)

LANSFORD ET AL.

Examiner

William Bangachon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/25/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 31-41 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: New claims 31-41 recite an “**interoperability period (IOP)**” which was not described in the specification.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first, second, and third unit" as claimed in claim 39, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. New claims 31-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new claims recite an **“interoperability period (IOP)”** which was not originally described in the specification.

8. Claims 31-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claims 31, 35, and 39, it is unclear and confusing on whether the claimed **“HomeRF CP”** is the same as the HomeRF CP unit, and whether the claimed **“second HomeRF unit”** is the same as the second HomeRF.

With regards to claim 39, the claimed **“first unit”** lacks structural cooperative relationship with the second or third unit. Further, Claim 39 recites the limitation **“the HomeRF CP”**. There is insufficient antecedent basis for this limitation in the claim.

Claims 32-34, 36-38, and 40-41 are dependent claims and therefore rejected for the same reasons.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 31-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,600,726 (Nevo et al) in view of USP 6,519,460 (Haartsen).

In claim 31, Nevo et al teach of a method {see whole document} comprising:

a HomeRF connection point (CP) unit (100) establishing a connection with a second HomeRF unit (104b) {see figure 1; col. 4, lines 52-53};

the HomeRF CP unit (100) establishing a connection with a Bluetooth unit (104a) as a slave to the HomeRF CP as a master {col. 4, lines 35-55};

the HomeRF CP (100) determining an interoperability period (IOP), during the period the HomeRF CP and the second HomeRF do not transfer data {see figure 2; col. 3, line 54-col. 4, line 12; col. 7, lines 22-40; col. 8, lines 54-63};

the HomeRF CP communicating the IOP to the Bluetooth unit, the Bluetooth unit to wake from a suspended state at the time of the IOP {see figure 8a; col. 7, lines 41-49};

transmitting data between the HomeRF CP and the second HomeRF unit {see figure 8b; col. 7, lines 47-49};

at a time of the IOP, the HomeRF CP ceasing transmission of data to the second HomeRF unit and transitioning from a first hopping frequency to a higher second frequency hopping and transmitting data between the HomeRF CP and the Bluetooth unit {see figure 8a; paragraph bridging cols. 6 and 7};

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at an end of the IOP, the HomeRF CP transmitting a next IOP to the Bluetooth unit, ceasing transmission of data to the Bluetooth unit and transitioning from the second hopping frequency to the first frequency hopping and transmitting data between the HomeRF CP and the second HomeRF unit until the next IOP {see figure 8b}.

Nevo does not disclose "the Bluetooth unit to wake from a suspended state" as claimed. Haartsen, in the same field of endeavor (wireless communication system), teach that the conventional Bluetooth system features low-power modes like HOLD and PARK {Haartsen, col. 1, lines 58-61}. Utilizing these conventional features of the Bluetooth system is clearly beneficial in the system of Nevo because it saves and prolongs battery life. Therefore, it would have been obvious to one of ordinary skill in the art to have the Bluetooth unit to wake from a suspended state in the system of Nevo, as claimed, because it saves and prolongs battery life.

Nevo does not disclose expressly transitioning between two hopping frequencies (a first and second hopping frequency) as claimed. The figures in Nevo show multiple frequencies. However, these multiple frequencies correspond to multiple devices {col. 4, lines 45-55}. Obviously, if there were only devices in the system of Nevo, then only two frequencies is needed to hop between the two devices, as long as collision does not occur between the two devices. Therefore, it would have been obvious to one of ordinary skill in the art to have only two hopping frequencies in the system of Nevo, as claimed, because if there were only two devices in the system of Nevo, then only two hopping frequencies would be required, as long as collision does not occur between the two devices. Also see

In claim 32, the method of claim 31, wherein the transmitting data between the HomeRF CP and the Bluetooth unit includes transmitting data for a number of a Bluetooth slots corresponding with the IOP {Nevo, col. 4, lines 16-23}.

In claim 33, the method of claim 31, wherein the transmitting data between the HomeRF CP and the Bluetooth unit includes transmitting data in an Asynchronous Connection-Less packet format {Nevo, col. 1, lines 31-50; col. 7, line 13-22}.

In claim 34, the HomeRF CP and the Bluetooth unit operating independently during a time outside of an IOP {Haartsen, figure 4b}.

Claims 35-38 recites the limitations of claims 31-34 and therefore rejected for the same reasons.

Claims 39-41 recites an apparatus for practicing the method of claims 31-33 and therefore rejected for the same reasons.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 6,683,886 (van der Tuijn et al) is cited in that it teaches of Bluetooth and wireless communication methods {see whole document}.

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Examiner Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is 703-305-2701. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular and After Final formal communications. The examiner's fax number is 703-746-6071 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon
Examiner
Art Unit 2635

August 18, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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